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Serial No. 10/635,318  
Docket No. EMI 02.02  
Amendment C under Rule 116REMARKS

Claims 29 and 46 have been amended to clarify the invention, and also to better define the invention over the prior art. Claims 27-28, 32-43 and 47-54 have been cancelled. No new matter has been entered by any of the foregoing amendments.

The rejection of claims 15, 16, 23 and 26 under 35 USC §112 as being failing to comply with the written description requirement, and the objections to the drawings are in error. The Examiner suggests FIG. 8 shows the third lamination stack is only orthogonal to one other lamination stack. FIG. 8 shows a top view of the motor. As can be seen from FIG. 8, the lamination sheets 43 of the lamination stack 41 are horizontal. As can be deduced from FIG. 8, and as is further verified by FIG. 2, FIG. 3, and FIG. 4, the lamination sheets of the other two laminations stacks 25, 27 are vertical. The vertical lamination stacks 25, 27 are both orthogonal to the horizontal lamination stack 41. Thus, FIG. 8 does show the third lamination stack is orthogonal to the other two lamination stacks. The Applicants request withdrawal of this rejection and the drawing objection.

Turning to the art rejections, and considering first the rejection of claims 1-12, 15-26, 44-46 and 54 under 35 USC §102(e) as being anticipated by US Patent Publication No. 2002/0053849 to Corcoran, claim 54 has been cancelled. As to the other claims, claim 1 requires, in part, "said lamination stacks being disposed asymmetrically adjacent said output shaft, whereby each of said lamination stacks is without a complimentary, similarly positioned lamination stack on an opposing side of said output shaft." The Examiner identifies 714B and 714D of FIG. 21 of Corcoran as teaching this limitation. However, 714B and 714D are positioned symmetrically adjacent said output shaft. Similarly, no other permutation of the design of FIG. 21 in Corcoran discloses this requirement. Therefore, Corcoran fails to disclose

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every limitation of claim 1. Independent claims 17, 24, 44 and 46 contain a similar requirement and are similarly not disclosed by Corcoran. Claims 2-12, 15, 16, 18-23, 25, 26 and 45 are allowable as depending from these allowable claims.

The rejection of claims 1-9, 11, 14, 17-19, 21, 24, 44, 46 and 54 under 35 USC §102(e) as being anticipated by US Patent No. 7,061,466 to Moore, *et al* (hereinafter "Moore") also is in error. As noted supra, claim 54 has been cancelled. As to the other claims, claim 1 requires, in part, that said rotor including at least one magnet disposed thereon and being movable along said interior curved surface of said lamination stacks *in directions defining at least first and second degrees of freedom*. Moore does not teach a rotor movable along the interior curved surface of lamination stacks in multiple degrees of freedom, rather teaching a first rotor inside a first stack (70a) movable along one degree of freedom along the stack and a second rotor inside a second stack (70b) movable along one degree of freedom along the second stack. As Moore does not teach all elements of claim 1, it cannot be said to anticipate claim 1.

Additionally, the Examiner improperly identifies the stators and lamination stacks of Moore, impeding proper comparison of the reference. The Examiner refers to 70a and 70b as the lamination stacks. One having ordinary skill in the art will recognize these are not lamination stacks. These elements are referred to in Moore as actuators and, minus the rotors contained therein, reference numbers 70a and 70b refer to stator pairs 81, made up of stators 84a and 84b. The stators 84a and 84b each have only one lamination stack (at most); none of the stators of Moore have first and second lamination stacks as required by the independent claims 1 and 29. Moore does not explicitly disclose that any lamination stacks are used in the disclosed invention and lamination stacks are not implicitly contained in all stators. Thus, Moore fails to disclose a requirement of independent claims 1, 17, 29, 44 and 46. If Moore

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does contain lamination stacks, Moore does not disclose lamination stacks having a curved surface, as required in claims 1 and 29.

Claims 17, 24, and 44 require, in part, said rotor including at least one magnet disposed thereon and being *movable in directions defining at least first and second degrees of freedom*. Moore does not teach a rotor movable along the interior curved surface of lamination stacks in multiple directions, rather teaching a first rotor inside a first stack (70a) movable along one degree of freedom within the stack and a second rotor inside a second stack (70b) movable along one degree of freedom within the second stack. As Moore does not teach all elements of claims 17, 24, and 44, it cannot be said to anticipate claims 17, 24, and 44.

Claim 29 requires first and second lamination stacks having interior surfaces facing the rotor. Moore does not teach two lamination stacks facing the same rotor, rather teaching a first stack (70a) having an interior surface facing a first rotor and a second stack (70b) having an interior surface facing a different rotor. As Moore does not teach all elements of claim 29, it cannot be said to anticipate claim 29.

Claim 46 requires said rotor rotating in at least a first plane and a second plane. Moore does not teach a rotor rotating along the multiple planes, rather teaching a first rotor inside a first stack (70a) rotatable along one plane within the stack and a second rotor inside a second stack (70b) rotatable along one plane within the second stack. As Moore does not teach all elements of claim 46, it cannot be said to anticipate claim 46.

None of the remaining cited references, including specifically Deeg et al. and Rosenberg et al., overcome the shortcomings of Moore. Thus claims 1, 17, 24, 29, 44 and 46, should be allowed as the references fail to teach all elements of these claims and, further, claims 2-16, 18-23, 25, 26, 30, 31, and 45 should be allowed as depending from allowable

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claims.

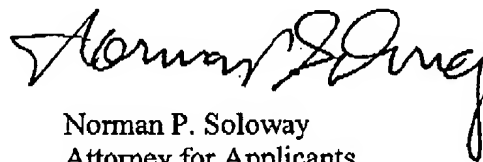
Further, claim 3 is erroneously rejected as anticipated by Moore. Claim 3 requires an interior curved surface substantially defining a portion of a sphere. The interior curved surface of Moore is cylindrical, not spherical. Thus, the cited reference fails to teach all limitations of claim 3.

Further, with regard specifically to the rejection of claims 10, 20, and 25 as obvious, based on Moore in view of German patent DE 19501439 to Deeg et al., the Examiner stated Deeg taught faceted magnets. The Examiner is incorrect, Deeg teaches cylindrical magnets, not faceted magnets. Thus, the cited references fail to teach all limitations of claims 10, 20, and 25.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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